

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA, GA

2009 SEP 24 AM 9:11

TRACY MILLER  
Plaintiff

VS  
JAMES DONALD et al  
Defendants

CLERK C Adams  
CIVIL ACTION NO  
105-CV-153

PLAINTIFF TRACY MILLER'S MOTION TO  
RE-OPEN THIS CASE Tracy Miller v James  
Donald 105-CV-153 SDGA 11/11 No 84 F3d  
1091 11/11 2008 Pending Settlement in Miller v King  
CV 698-109 (S.D. Ga Aug 4 1998) Attachment

See Miller's Notice of Filing Exhibit W  
Order dated 28th of August 2009 that Settlement  
is unlikely in motion for Referral of Mediation

Signed by US Magistrate Judge James E Graham  
The reason this Court closed this case was for  
Settlement 1998 my lawyer to notify this Court

CERTIFICATE OF SERVICE  
I hereby certify that I have this day  
Served the within and foregoing

Motion to reopen case prior to depositing  
Copy in US mail upon Holly Smith  
46 Capitol Square Atlanta GA 30334/360  
this 20th day September 2009  
Tracy Miller Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

2009 AUG 28 AM 10:47

CLERK  
SD, DIST. OF GA.

TRACY MILLER,

Plaintiff,

vs.

CIVIL ACTION NO.: CV698-109

RONALD KING; JOHNNY SIKES;  
THE GEORGIA DEPARTMENT OF  
CORRECTIONS, and THE STATE  
OF GEORGIA,

Defendants.

**ORDER**

On January 22, 2009, Plaintiff filed a Motion for Referral to Mediation. Defendants filed a response to that motion. On February 19, 2009, and April 14, 2009, the Court conducted settlement discussions in this case. As it appears at this time that settlement is unlikely, Plaintiff's Motion for Referral to Mediation is **DENIED**.

**SO ORDERED**, this 28<sup>th</sup> day of August, 2009.

  
JAMES E. GRAHAM  
UNITED STATES MAGISTRATE JUDGE

Miller Exhibit 1  
105CV-133 SDGA AUGUST DIVISION  
Miller & Donald